

ALEX G. TSE (CABN 152348)  
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)  
Chief, Criminal Division

THOMAS R. GREEN (CABN 203480)  
Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, CA 94612  
Telephone: (510) 637-3695  
Fax: (510) 637-3724  
E-Mail: Thomas.Green@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	Case No. CR 08-00194 SBA
v.	)	JOINT MEMORANDUM REGARDING
	)	DISPOSITION OF AMENDED PETITION
JAMES RICHARDS,	)	
Defendant.	)	

Plaintiff United States of America and defendant James Richards, by and through their respective counsel of record, hereby file this joint memorandum in support of disposition of the pending Amended Form 12 Petition before the Court. At the hearing scheduled for September 14, 2018, at 3:00 p.m., the parties anticipate the defendant admitting to Charges One through Four of the Petition, and the government dismissing Charge Five. The parties agree that the four admitted violations are Grade C violations, that defendant is Criminal History Category V, and that he faces a guidelines sentence of seven to thirteen (7-13) months under the United States Sentencing Guidelines ("U.S.S.G."). U.S.S.G. § 7B1.4.

1 Following substantial negotiations, the parties have negotiated a compromised resolution to  
2 resolve the Form 12 that consists of the following disposition:

- 3 1. Defendant will serve two months in custody.
- 4 2. Defendant will then be released to the Residential Reentry Center ("RRC"), subject to the  
5 following special conditions in addition to any general and special conditions already in place:
- 6 a. Defendant will immediately report to the RRC upon his release, where he will  
7 reside for ten (10) months, subject to the rules and regulations of the RRC and any  
8 terms and conditions as directed by his probation officer.
- 9 b. Defendant will be subject to GPS monitoring during the first five (5) months of  
10 his release to the RRC, subject to any terms and conditions as directed by his  
11 probation officer.
- 12 c. Defendant will remain subject to all general and special conditions that were  
13 already in place at the time of the commencement of his supervised release for the  
14 counts of conviction.
- 15 3. A 58 month term of supervised release will follow defendant's incarceration, which  
16 equates to a five year term, minus the two months of custody time imposed.

17  
18  
19 Dated: September 13, 2018

ALEX G. TSE  
United States Attorney

21 /s/ Thomas R. Green  
22 THOMAS R. GREEN  
23 Assistant United States Attorney

24 Dated: September 13, 2018

/s/ Joyce Leavitt  
25 JOYCE LEAVITT  
26 Attorney for Defendant James Richards  
27  
28